2019

The Parliament of the

Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Aged Care Amendment (Staffing Ratio Disclosure) Bill 2019**

**No. , 2019**

*Mad\_Bear\_O\_Melbourne MP*

**A Bill for an Act to amend the Aged Care Act 1997 , and for related purposes.**

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**A Bill for an Act to amend the Aged Care Act 1997 , and for related purposes.**

The Parliament of Australia enacts:

**Part 1—Preliminary**

**1 Short title**

This Act may be cited as the *Aged Care Amendment (Staffing Ratio Disclosure) Act 2019*

**2 Commencement**

1. Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

|  |  |  |
| --- | --- | --- |
| **Commencement information** | | |
| **Column 1** | **Column 2** | **Column 3** |
| **Provision(s)** | **Commencement** | **Date/Details** |
| 1. The whole of this Act | The day this Act receives the Royal Assent. |  |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

**3 Schedules**

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

**4 Commonwealth to be bound**

This Act binds the Crown and the Commonwealth in all its capacities.

**Schedule 1—Amendments**

***Aged Care Act 1997***

**5 After section 9-3B**

Insert:

**9-3C Obligation to notify Secretary of staff to care recipient ratios**

(1) An approved provider must, for each residential care service operated by the approved provider and for each day referred to in subsection (4), notify the Secretary of the ratio of:

1. care recipients to whom residential care is being provided through that residential care service; to
2. staff members of the approved provider who provide a service connected with that residential care service.

Note: Approved providers have a responsibility under Part 4.3 to comply with this obligation. Failure to comply with a responsibility can result in a sanction being imposed under Part 4.4. Information notified under this section is made publicly available (see section 86-9).

(2) The ratio must also be broken down into ratios for each category of staff member referred to in subsection (5).

(3) In counting staff members for the purposes of this section, part-time staff members are to be taken into account as an appropriate fraction of a full-time equivalent.

(4) For the purposes of subsection (1), the days are the following:

1. the 4 days, in each year, specified in the regulations; or
2. if no days are specified in the regulations for the purposes of paragraph (a)—each 1 January, 1 April, 1 July and 1 October.

(5) For the purposes of subsection (2), the categories of staff members are the following:

1. registered nurses level 1;
2. registered nurses level 2;
3. registered nurses level 3;
4. registered nurses level 4;
5. registered nurses level 5;
6. enrolled nurses;
7. nurses with certificate IV or an equivalent qualification;
8. personal care attendants;
9. allied health staff;
10. other staff members.

(6) A notification under subsection (1) must be made as soon as practicable after the day to which the notification relates.

(7) The notification must be in the form approved by the Secretary.

(8) The notification may include an explanation by the approved provider in relation to any ratio notified. The explanation must not exceed 250 words total.

Note: If an explanation is provided, the explanation will be made publicly available: see section 86-9.

(9) If, between making notifications under subsection (1), there is a change of more than 10% in a ratio notified under that subsection, the approved provider must, within 28 days of that change, notify the Secretary of the charge.

(10) In this section: staff member of an approved provider has the same meaning as in section 63-1AA.

**6 After subsection 86-9(1)**

Insert:

(1A) The Secretary must make publicly available any information about staff to care recipient ratios of residential care services notified to the Secretary under section 9-3C.

**7 Subsection 86-9(2)**

After “(1)”, insert “or (1A)”: